

House Bill 214

By: Representatives Davis of the 109th, Ralston of the 7th, and Walker of the 107th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to habeas corpus procedure for persons under sentence of state court of record, so as to shorten the time frame for filing a writ in felony and death penalty cases; to change certain provisions relating to grounds for writ and waiver of objection to jury composition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to habeas corpus procedure for persons under sentence of state court of record, is amended by revising subsection (c) of Code Section 9-14-42, relating to grounds for writ and waiver of objection to jury composition, as follows:

“(c) Any action brought pursuant to this article shall be filed within one year in the case of a misdemeanor, except as otherwise provided in Code Section 40-13-33, or within ~~four~~ years one year in the case of a felony, ~~other than~~ including one challenging a conviction for which a death sentence has been imposed or challenging a sentence of death, from:

(1) The judgment of conviction becoming final by the conclusion of direct review or the expiration of the time for seeking such review; provided, however, that any person whose felony conviction, including one challenging a conviction for which a death sentence has been imposed or challenging a sentence of death, has become final as of July 1, ~~2004~~ 2009, regardless of the date of conviction, shall have until July 1, ~~2005, in the case of a misdemeanor or until July 1, 2008~~ 2010, ~~in the case of a felony~~ to bring an action pursuant to this Code section;

(2) The date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if the petitioner was prevented from filing such state action;

26 (3) The date on which the right asserted was initially recognized by the Supreme Court
27 of the United States or the Supreme Court of Georgia, if that right was newly recognized
28 by said courts and made retroactively applicable to cases on collateral review; or
29 (4) The date on which the facts supporting the claims presented could have been
30 discovered through the exercise of due diligence."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.